

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

UNITED STATES OF AMERICA	:	
<i>ex rel.</i> COMFORT FRIDDLE	:	
and STEPHANIE KENNEDY,	:	CIVIL ACTION NO.
	:	
Plaintiffs,	:	1:06-CV-3023-JEC
	:	
v.	:	
	:	
TAYLOR, BEAN & WHITAKER	:	
MORTGAGE CORPORATION;	:	
HOME AMERICA MORTGAGE, INC.;	:	
GREGORY HICKS; DENNIS MOSELEY;	:	
CARL WRIGHT; AND JOHN DOE,	:	
	:	
Defendants.	:	

**NOTICE BY PLAINTIFF UNITED STATES OF AMERICA OF ADOPTION OF
AVERMENTS OF FACT AND CLAIMS FOR RELIEF
IN RELATORS' COMPLAINT AGAINST DEFENDANTS
TAYLOR BEAN & WHITAKER MORTGAGE CORPORATION
AND HOME AMERICA MORTGAGE, INC.,
AS COMPLAINT OF THE GOVERNMENT IN THIS CASE**

Relators Comfort Friddle and Stephanie Kennedy ("Relators"), commenced this action under seal, for themselves and the United States of America, pursuant to the *qui tam* provisions of the False Claims Act, 31 U.S.C. §§ 3729-3733 ("FCA"), naming as Defendants in their Complaint Taylor, Bean & Whitaker Mortgage Corporation ("TBW"); Home America Mortgage, Inc. ("HAM"), Gregory Hicks ("Hicks"), Dennis Moseley ("Moseley"), Carl Wright ("Wright") and John Doe (collectively, "Defendants"). [Doc. 1]. Count I of

Relators' Complaint seeks an award of treble damages and imposition of civil money penalties against Defendants for violations of section 3729 of the FCA, 31 U.S.C. § 3729. Counts II, III, and IV of Relators' Complaint seek an award of damages against Defendants: on behalf of Relators Friddle and Kennedy in their individual capacities for Defendants having retaliated against Relators Friddle and Kennedy in violation of the whistleblower provisions of the FCA set forth under 31 U.S.C. § 3730(h); and on behalf of Relator Kennedy in her individual capacity for Defendants having beached the terms of Relator Kennedy's contract of employment.

On September 14, 2010, the United States filed its Notice of Election with the Court, pursuant to the False Claims Act, 31 U.S.C. § 3730(b)(2) and (4)(a), that the Government: (1) elected to intervene and proceed with this action Defendants Taylor Bean Whitaker Mortgage Corporation and Home America Mortgage, Inc., only for having engaged in actions in violations of 31 U.S.C. § 3729; and (2) declined to intervene at the time against Defendants Gregory Hicks ("Hicks"), Dennis Moseley ("Moseley"), Carl Wright ("Wright") and the John Doe Defendant named in Relators' Complaint. [Doc. 49]. Thereafter, by Order entered September 17, 2010, the Court ordered that the Government shall serve its Notice of Election and this Order, as well as its Complaint in intervention, upon Defendants Taylor Bean Whitaker Mortgage Corporation and Home

America Mortgage, Inc., within one hundred twenty (120) days of that Order. [Doc. 50].

The Government hereby provides notice that the Government shall adopt as the Complaint of the Government in this civil action: the averments of facts against Defendants Taylor Bean Whitaker Mortgage Corporation and Home America Mortgage, Inc., in the Complaint previously filed by Relators; and shall adopt and seek the claims for relief against Defendants Taylor Bean Whitaker Mortgage Corporation and Home America Mortgage, Inc., as set forth in Count I of Relators' Complaint, for an award of treble damages and assessment of civil money penalties for those two (2) Defendants having engaged in conduct in violation of section 3729 of the False Claims Act, 31 U.S.C. §3729. A copy of Relators' Complaint shall be served upon Defendants Taylor Bean Whitaker Mortgage Corporation and the Home America Mortgage, Inc., as the Complaint of the United States of America in this civil action.

Respectfully submitted,

SALLY QUILLIAN YATES
United States Attorney
Northern District of Georgia

/s/ Daniel A. Caldwell
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Attorneys for the United States
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CERTIFICATE OF COMPLIANCE

The undersigned attorney hereby certifies, pursuant to LR 7.1.D, NDGa., that the foregoing Notice was prepared in Courier New 12 point font.

/s/ Daniel A. Caldwell
DANIEL A. CALDWELL
ASSISTANT U.S. ATTORNEY

CERTIFICATE OF SERVICE

This is to certify that I have this day electronically filed the within and foregoing Motion to Vacate, Set Aside, or Correct Sentence the Clerk of the Court using the CM/ECF system which will automatically send e-mail notification of such filing to the following attorneys of record:

Mike Bothwell, Esq.
Julie K. Bracker, Esq.
Bothwell Bracker & Vann
304 Macy Drive
Roswell GA 30076

This 13th day of January, 2011

/s/ Daniel A. Caldwell
DANIEL A. CALDWELL
ASSISTANT UNITED STATES ATTORNEY